

## **Greenpoint-Williamsburg Rezoning EIS**

### **CHAPTER 12: WATERFRONT REVITALIZATION PROGRAM**

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#### **A. INTRODUCTION**

This chapter examines the compliance of the proposed action with the City's Waterfront Revitalization Program. A local WRP, such as New York City's, is authorized under the State's Coastal Management Program which, in turn, stems from federal coastal zone legislation. The Coastal Zone Management (CZM) Act of 1972 was established to encourage and assist the states in preparing and implementing management programs to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." The Act stipulates that federal actions and federally funded actions within the coastal zone must be, to the maximum extent feasible, consistent with approved state management programs.

Consistency with waterfront policies is a key requirement of the coastal management program established in New York State's *Waterfront Revitalization and Coastal Resource Act* of 1981. The State program contains 44 coastal policies and provides for local implementation when a municipality adopts a local waterfront revitalization program (LWRP). The New York State Department of State administers the state's coastal management program, and is responsible for determining whether federal actions are consistent with the coastal policies. For actions directly undertaken by State agencies, including funding assistance, land transactions and development projects, the State agency with jurisdiction makes the consistency determination which is filed with the Department of State.

The New York City Waterfront Revitalization Program (WRP) is the city's principal coastal zone management tool, and is included as part of New York State's Coastal Zone Management Program. As originally adopted in 1982 and revised in 1999, it establishes the City's policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the coastal zone with those policies. The WRP adopted in 1982 established the City's Coastal Zone, and included a set of 56 policy statements, 44 State policies and 12 policies specifically applicable to the City of New York—that addressed the waterfront's important resources. A New Waterfront Revitalization Program was approved by the Council of the City of New York in October 1999, and was approved by the NYS Department of State and the U.S. Secretary of Commerce in the summer of 2002.

The new WRP replaces the 56 City and State policies approved in 1982 by ten policies aimed at simplifying and clarifying the consistency review process. The new WRP builds on, and is a direct outcome of, numerous waterfront planning efforts since the WRP was originally adopted. These plans and studies have led to a more complete understanding of New York City's waterfront, calling attention to the need for a WRP that better reflects the different conditions, issues and priorities along a diverse and complex coastline. To more effectively realize the city's waterfront planning goals, the 56 City and State policies in the original WRP have been replaced by ten policies dealing with: (1) residential and commercial redevelopment; (2) water-dependent and industrial uses; (3) commercial and recreational boating; (4) coastal ecological systems; (5) water quality; (6) flooding and erosion; (7) solid waste and hazardous substances; (8) public access; (9) scenic resources; and (10) historical and cultural resources. The new policies simplify and clarify the consistency review process without eliminating any policy element required by state and federal law.

Approximately 66 blocks or portions of blocks located within the proposed action area lie within the designated NYC Coastal Zone Boundary (refer to Figure 12-1). As such, the proposed action is subject to review for its consistency with the City's Waterfront Revitalization Program.

In accordance with the guidelines of the *CEQR Technical Manual*, a preliminary evaluation of the proposed action's potential for inconsistency with the new WRP policies was undertaken. This preliminary evaluation requires completion of the Consistency Assessment Form, which was developed by the Department of City Planning to help applicants identify which Waterfront Revitalization Program policies apply to a specific action. The questions in the Consistency Assessment Form are designed to screen out those policies that would have no bearing on a consistency determination for a proposed action. For any questions that warrant a "yes" answer or for which an answer is ambiguous, an explanation should be prepared to assess the consistency of the proposed action with the noted policy or policies.

A Consistency Assessment Form (CAF) was prepared for the proposed action, and is appended to this chapter. As indicated in the form, the proposed action warrants assessment of its consistency with policies 1.1, 1.2, 2, 4.2, 6, 7.2, 8, 8.4, 9.1, and 10. Therefore, those policies are discussed in detail below.

## **B. CONSISTENCY WITH LWRP POLICIES**

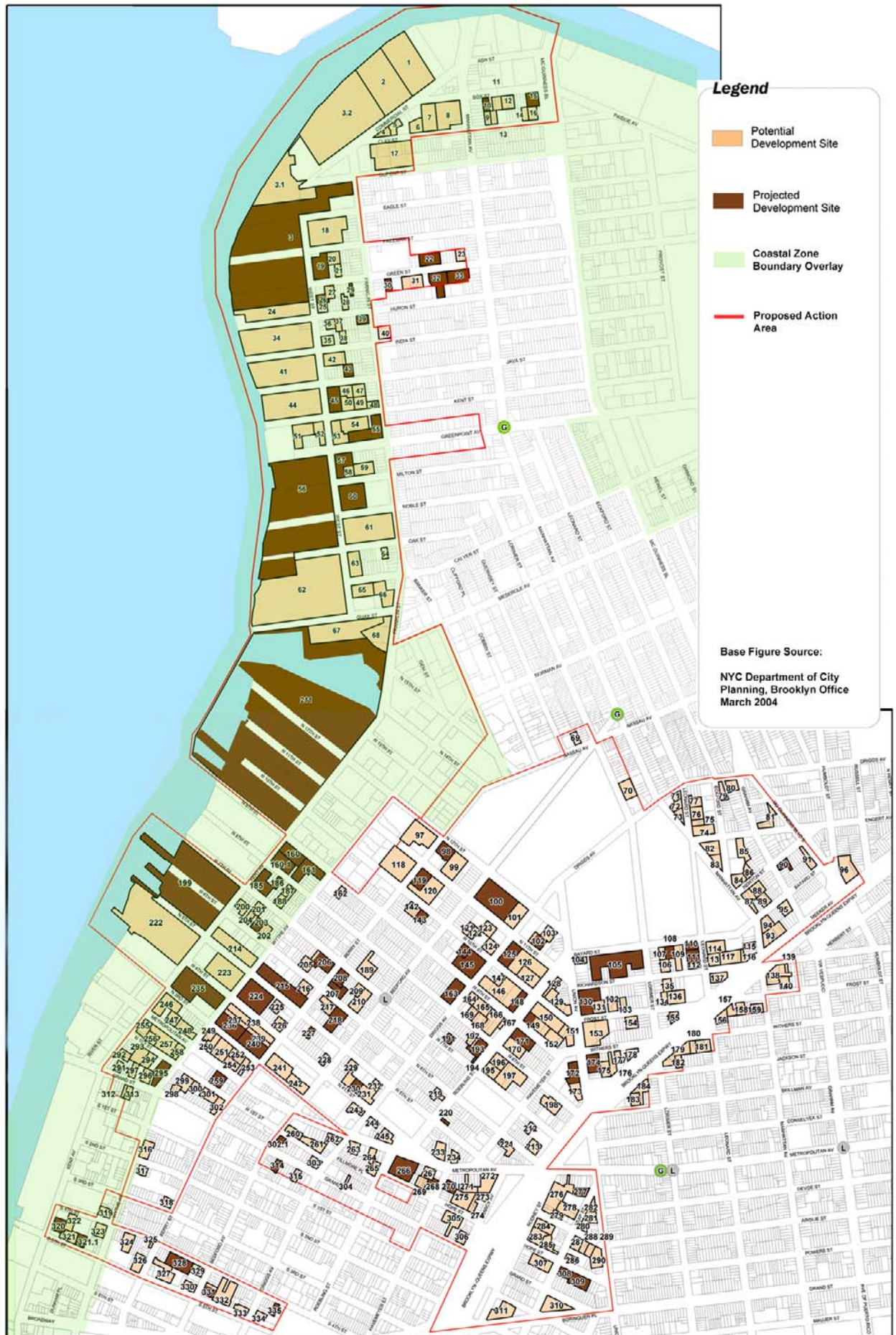
New York City's WRP consists of 10 policies, which are intended to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among these objectives. Each of the policies that were identified in the CAF as requiring further assessment are presented below, followed by a discussion of the proposed action's consistency with the policy.

### **POLICY 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**

#### ***1.1 Encourage commercial and residential redevelopment in appropriate coastal zone areas.***

The proposed action includes the rezoning of approximately 184 blocks in the Greenpoint and Williamsburg areas of northern Brooklyn, including approximately 66 blocks which fall either entirely or partially within the City's Coastal Zone Boundary (see Figure 12-1). As described in Chapter 1, "Project Description," in the proposed action area, existing manufacturing and commercial designations and Northside and Franklin Street Mixed Use District designations would be replaced with residential, commercial overlay, and Special Mixed Use District designations to permit residential use on the waterfront and residential, commercial, light industrial and mixed use in most of the upland area, and certain areas currently zoned M3 would be rezoned to M1 for light industrial uses.

Over the last two decades, Greenpoint and Williamsburg have witnessed a pronounced decline of industrial activity, particularly water-dependent industry, which has resulted in many large vacant or underutilized properties, particularly along the waterfront. Industrial sectors such as garment and textile manufacturing, which once dominated Williamsburg, have nearly disappeared from the area



as companies have closed or moved their operations abroad. While the industrial sector has declined, the Greenpoint and Williamsburg areas have experienced substantial growth in their residential population, resulting in a housing shortfall and increasing demands for new dwelling units.

The proposed action is intended to provide opportunities for new residential and commercial development and the enhancement and upgrade of the waterfront areas. The proposed action would create opportunities for new housing development on underutilized and vacant land formerly used for manufacturing, particularly along the waterfront, where there is no longer a concentration of industrial activity and where strong demand for housing exists. The proposed action would facilitate the redevelopment of the area's derelict East River waterfront, establishing a blueprint for a revitalized waterfront with a continuous public walkway and enlarged parks along approximately 2 miles of the East River, and mapping a new park along the waterfront between North 9<sup>th</sup> Street and the northern edge of Bushwick Inlet. The proposed action would produce new waterfront development with a sensitive transition to the adjoining neighborhoods, a pedestrian-friendly streetscape, and a compelling skyline.

As part of the reasonable worst-case development scenario (RWCDs) associated with the proposed action, 76 sites have been identified as projected development sites likely to be developed by the analysis year of 2013, including approximately 25 sites located within the coastal zone boundary. Those projected development sites are expected to replace underutilized vacant land/buildings, vehicle and open storage uses and manufacturing/industrial/warehouse uses with residential and commercial development. The 25 projected development sites located within the coastal zone boundary are anticipated to have a net increment of approximately 6,248 new dwelling units, and approximately 220,810 sf of local commercial uses, as well as a new mapped public park along the Bushwick Inlet. In addition, 77 of the 264 identified potential development sites, which are less likely to be developed by the analysis year of 2013, are also located within the coastal zone boundary.

The section of the coastal zone falling within the proposed action area does not contain any natural or topographic features that would hinder redevelopment, and the street grid provides excellent access to the upland areas. Therefore, this area is appropriate for the residential and commercial redevelopment that would be facilitated by the proposed action. As the proposed action would encourage and facilitate residential and commercial redevelopment in an area currently characterized by underutilized waterfront properties, it is therefore consistent with this policy.

## ***1.2 Encourage non-industrial development that enlivens the waterfront and attracts the public.***

As discussed above, the proposed action would facilitate residential and commercial redevelopment in an area which includes many underutilized manufacturing properties.

The new residential units on the projected development sites, which would add an estimated 14,183 residents to the portion of the proposed action area falling within the coastal zone boundary, would significantly revitalize and enliven the area's waterfront, by bringing a 24-hour population to this underutilized swath of land along the Brooklyn waterfront. In addition, the local commercial uses anticipated as part of the RWCDs on those projected development sites falling within the coastal zone boundary would further enhance and enliven the area. With commercial zoning overlays proposed on West Street, Kent Avenue, Commercial Street, a portion of Franklin Street, Green Street, Greenpoint Avenue, and North 6<sup>th</sup> Street within the coastal zone boundary as part of the

proposed action, commercial uses such as local retail, supermarkets, and restaurants would be accommodated within the coastal zone boundary.

Moreover, the proposed action includes the mapping of an approximately 27.8 acre new park (15.9 acres under Scenario B) along Bushwick Inlet, which would attract the public to the waterfront, and further enliven the area by providing a significant recreational resource. The proposed Waterfront Access Plan (WAP), as illustrated in Figure 1-4 of Chapter 1, “Project Description,” would also provide a coordinated network of waterfront open spaces, and would modify the general public access requirements of waterfront zoning within this area, by identifying locations and parameters for the configuration of required shore public walkways, upland connections, supplemental public access areas, and visual corridors. As discussed in Chapter 5, “Open Space,” the promenade and additional required waterfront access developed at those projected development sites on the waterfront would create a total of approximately 5.59 acres of passive recreation space, in addition to the proposed new park.

The rezoning of waterfront blocks, mapping of a new public waterfront park, and creation of the WAP sets a blueprint for a continuous waterfront walkway linking parks and public access areas along the waterfront, and maximizes both physical and visual access between the waterfront and the neighborhood. The blueprint would be realized in part by the proposed zoning designations along the waterfront which would require that new development provide links in a continuous chain of public access areas. Proposed zoning text changes which would allow docks for water taxis along the waterfront would also encourage water-based transportation to supplement the range of transportation options in the area.

Therefore, by facilitating residential and commercial development on the waterfront, improving public access to the waterfront, and bringing a 24-hour population into the neighborhood, the proposed action would revitalize this underutilized waterfront of northern Brooklyn, and further enhance the neighborhood. The proposed action would encourage greater public use of this area within the coastal zone, and would be consistent with this policy.

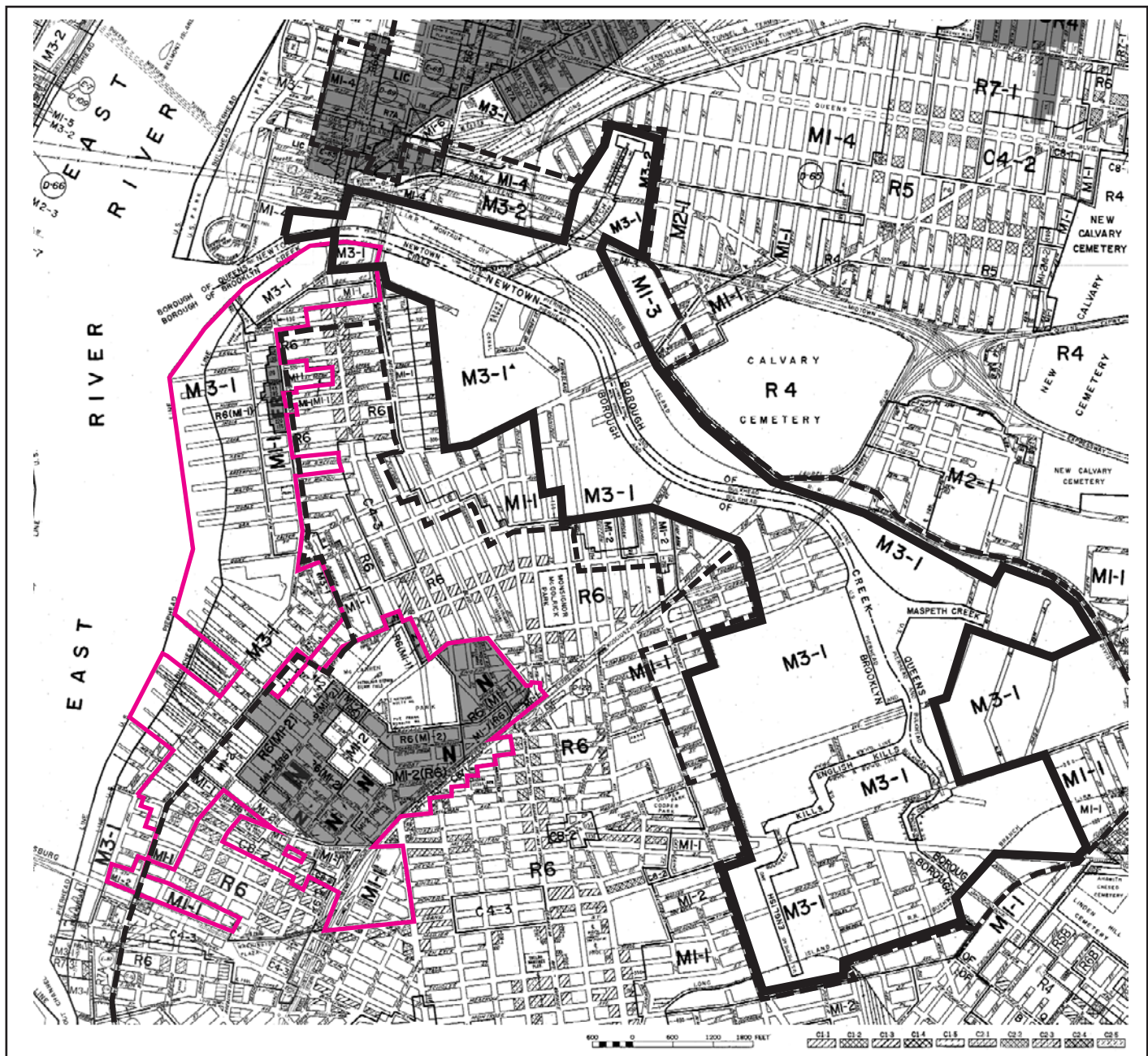
## **POLICY 2: Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation.**

### ***2.1 Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.***







Working waterfront uses have locational requirements that make portions of the coastal zone especially valuable as industrial areas. These areas have been recognized by the designation of the six Significant Maritime and Industrial Areas (SMIAs) in the New York City Comprehensive Waterfront Plan. The major criteria used to delineate these areas include: concentrations of M2 and M3 zoned land; suitable hydrographic conditions for maritime related uses; presence of or potential for intermodal transportation, marine terminal and pier infrastructure; concentrations of water dependent and industrial activity; relatively good transportation access and proximity to markets; or availability of publicly-owned land. All six of the designated SMIAs exhibit combinations of most of these characteristics.

Only one block in the entire proposed action area falls within a Significant Maritime and Industrial Area (SMIA). As shown in Figure 12-2, the block bounded by Manhattan Avenue, Ash Street, McGuinness Boulevard and Newtown Creek is located within the boundaries of the Newtown





**Legend:**

-  Proposed action area boundary
-  Significant Maritime and Industrial Area
-  Coastal Zone Boundary
-  Zoning Designation
-  Special Northside Mixed-Use District
-  Special Franklin Street Mixed-Use District

Creek SMIA. As part of the proposed action, this block, which is currently occupied by industrial/warehousing uses and vacant land, would be rezoned from M3-1 to an M1-2 light industrial district. No projected or potential development sites have been identified on this block as part of the RWCDs, and existing uses are expected to continue in the future with the proposed action. The remainder of the Newtown Creek SMIA, which is zoned M3-1, would not be affected by the proposed action.

The proposed rezoning of this one block would not change the allowable density, which would remain at 2.0 FAR, would continue to accommodate light industrial uses and commercial use, and would require enclosure of industrial uses. With the proposed rezoning, heavy manufacturing uses, such as foundries or incinerators, would not be allowed on this block. However, given the existing active light industrial/warehousing uses, and the proximity of this location to the remaining sections of the proposed action area, heavy industrial uses would not be appropriate for this particular block.

The northeastern edge of the proposed action area is also located near the boundary of the Newtown Creek SMIA and as such, the proposed action would increase permitted residential densities in close proximity to this SMIA. The siting of new residential development at projected development sites and elsewhere in the proposed action area is not expected to inhibit the efficient operation of the SMIA, and in particular working waterfront and heavy industrial uses. Apart from the one block discussed above, the portion of the SMIA adjacent to the proposed action area is separated from the properties within the proposed action area by McGuinness Boulevard. The street and elevated approach to the Pulaski Bridge would function as a buffer between new development generated by the proposed action and existing or potential future working waterfront uses in the SMIA. As such, the proposed action would not conflict with this policy.

## **2.2 *Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.***

As discussed above, Greenpoint and Williamsburg have witnessed a pronounced decline of industrial activity over the past few decades, particularly water-dependent industry. As a result, the waterfront of Greenpoint and Williamsburg is characterized by many large vacant or underutilized properties formerly used for manufacturing.

Working waterfront uses are not prevalent along the East River waterfront in the area of Greenpoint and Williamsburg affected by the proposed action, and demand for such activities is not expected in the future. The area affected by the proposed action is not suitable for heliports or other aviation facilities, passenger and freight access, or cargo handling facilities. Furthermore, working waterfront and industrial uses are not consistent with the proposed rezoning of the waterfront area to allow residential uses.

With the exception of the Waterfront Access Plan, no component of the proposed action is dependent on a waterfront location, although the proposed waterfront park would be enhanced by its setting on the East River and Bushwick Inlet. As the proposed action does not have the potential to displace any active water-dependent or maritime uses in the area, it is consistent with this policy.

## **2.3 *Provide infrastructure improvements necessary to support working waterfront uses.***

As the proposed action would not establish working waterfront uses and there are no existing working waterfront uses or water-dependent industries within the area affected by the proposed

action, it is not necessary to provide infrastructure improvements to support such uses. Therefore, this policy does not apply to the proposed action.

**POLICY 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.**

***4.2 Protect and restore tidal and freshwater wetlands.***

As indicated in Chapter 10, “Natural Resources,” there are no freshwater wetlands in the study area. As shown in Figure 10-1 of Chapter 10, all wetlands are tidal along the East River. The shoreline along the proposed action area consists primarily of urban bulkhead and/or riprap. This type of urban structural shoreline significantly limits the potential for higher quality tidal wetlands such as tidal marsh or submerged aquatic vegetation.

The East River is designated as littoral zone (shallow waters 1.8 meters [6 feet] or less in depth) by DEC. However, regulations state that *actual* water depths determine whether or not an area is a littoral zone (generally defined as depth of less than 1.8 meters [6 feet] to mean low water). As also discussed in Chapter 10, Bushwick Inlet and intermittent shoreline areas of the adjacent East River are therefore regulated as littoral zones. The littoral zone is defined under 6NYCRR 661.4(hh) as any “land under tidal waters” that is not part of other tidal wetland resource areas with specific ecological function (such as intertidal marsh, etc.) and is less than 1.8 meters (6 feet) deep at mean low water.

The TransGas Energy (TGE) Facility Article X Application (December 2002, revised March 2003) describes two types of tidal communities present at Bushwick Inlet and along the study area. Those habitats are marine riprap/artificial shore and tidal river community. These communities also represent the ecological communities along much of the shoreline of the proposed action area. As discussed in Chapter 10, this community is defined as “the community of a constructed marine shore in which the substrate is composed of broken rocks, stones, wooden bulkheads, or concrete placed so as to reduce erosion. Characteristic organisms are attached algae, mussels, and barnacles; percent cover and species diversity are low compared to a marine rocky intertidal community. This community is demonstrably secure throughout its range.”

The TGE Application reported the observation of a dark band of macroalgae present along the base of riprapped slope and dominated by rockweed. Barnacles formed an occasional component of this intertidal community. This community is also described as “the aquatic community of continuously flooded substrates that support no emergent vegetation.” Within the East River there are two zones; the deepwater zone (>1.8 meters [6 feet] in depth) and the shallows zone (<1.8 meters [6 feet] in depth). The latter zone is regulated by the DEC.

No major changes in wetlands would be expected as a result of the proposed action. The swift currents of the East River should preclude any significant shoaling that could result in the development or migration of tidal wetlands. Moreover, the wetlands along the proposed action area are low-quality habitats. For example, there are no known submerged aquatic vegetation (SAV) habitats along the water’s edge of the study area. Therefore, no moderate to high-quality wetland environments would be impacted by the proposed action.



**POLICY 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.*****6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.***

All of the water area and the majority of land area along the immediate shoreline (up to Wythe Avenue and Franklin Street) is within the 100-year floodplain (see Figure 10-2 in Chapter 10, “Natural Resources”). The 100-year flood elevation is 3 meters (10 feet) above National Geodetic Vertical Datum (NGVD). The immediate shoreline is within the velocity zone, which means it is subject to wave action in storms. The area of the proposed action does not contain any regulated floodways.

The City’s Building Code contains required flood protection measures for all construction in flood hazard areas. Any new developments, expansions, or demolitions of existing buildings, would be subject to zoning and other applicable controls on building construction, height, and bulk in order to minimize the potential for damage caused by flooding and erosion. This includes, as applicable, permitting procedures, which adhere to FEMA’s floodplain regulations (44 CFR 60.3). Relevant text from the FEMA regulations includes, but is not limited to, the following:

If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

All construction due to the proposed action, as with other locations in the proposed action area and throughout the City, would be in compliance with New York City Building Code requirements regulating construction within flood hazard areas. The area falling within the coastal zone boundary is not subject to critical erosion. Therefore, the proposed action is consistent with this policy.

***6.2 Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.***

The proposed action would not involve any direct public funding for flood prevention or erosion control measures. This policy therefore does not apply to the proposed action.

***6.3 Protect and preserve non-renewable sources of sand for beach nourishment.***

The proposed action area is not known to contain, and the proposed action is not expected to disturb or destroy, any non-renewable sources of sand that could be used for beach nourishment. As there are no non-renewable sources of sand in the proposed action area, this policy does not apply to the proposed action.

**POLICY 7: Minimize environmental degradation from solid waste and hazardous substances.****7.2 *Prevent and remediate discharge of petroleum products.***

All of the projected and potential development sites have past or present uses on or adjacent to the site potentially involving some form of hazardous materials. As a result, the proposed zoning map actions include (E) designations for all projected and potential development sites, with the exception of Site 211, which is proposed to be mapped as a park and acquired by the City.

By placing (E) designations on sites where there is a known or suspect environmental concern, the potential for an adverse impact to human health and the environment resulting from the proposed action would be reduced. The (E) designation provides the impetus to identify and address environmental conditions so that significant adverse impacts during site development would be reduced. The New York City Department of Environmental Protection would provide the regulatory oversight of the environmental investigation and remediation during this process. Building permits are not issued by the Department of Buildings without prior NYCDEP approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements).

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit. The (E) designation also includes a mandatory construction-related health and safety plan which must be approved by NYCDEP.

The site of the proposed park (Site 211) is not subject to (E) designations. For this site, a Phase I ESA was prepared to determine previous uses on the site and in adjacent areas with the potential to have resulted in site contamination. As detailed in Chapter 11, "Hazardous Materials," Site 211 had a history that included use as an oil refinery and later bulk petroleum storage, a manufactured gas plant and a rail yard. Testing on this site has confirmed the presence of contaminants consistent with the cited historic use of the site on the northern and middle portions, whereas testing results show that the historic site activities had little to no impact on the southern portion of Site 211. As part of the property acquisition process associated with the proposed park mapping, the City would ensure that all appropriate testing at the proposed park site is completed, and that all necessary remediation measures are undertaken, as necessary, following acquisition and prior to construction. Therefore, the proposed action is consistent with this policy.

**7.3 *Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.***

As is standard practice in the City, solid waste generated on the projected or potential development sites is expected to be picked up by either DSNY (for residential uses) or private garbage disposal companies (for commercial uses) and transported to a licensed solid waste facility. The proposed action would permit residential and mixed uses in the area, and none of the developments anticipated as a result of the proposed action are expected to generate hazardous waste. No solid waste or hazardous waste facilities, such as landfills or transfer stations, are proposed as part of this action. Therefore, the proposed action is consistent with this policy.

**POLICY 8: Provide public access to and along New York City's coastal waters.*****8.1 Preserve, protect and maintain existing physical, visual and recreational access to the waterfront.***

The proposed action area's waterfront remains largely derelict, dominated by empty lots and crumbling structures, and is almost entirely inaccessible to the public. The proposed action would dramatically enhance access to water-related recreational resources within the Coastal Zone. As discussed in Chapter 2, "Land Use, Zoning, and Public Policy," there are already some existing publicly owned waterfront open spaces within the coastal zone, as well as additional spaces that are anticipated in the future without the proposed action. These include Newtown Barge Park, the former WNYC transmitter site at the end of Greenpoint Avenue, the planned State Park on the Williamsburg waterfront between North 7<sup>th</sup> and North 9<sup>th</sup> Streets, and the planned street-end park at Manhattan Avenue. The proposed action would preserve those existing and anticipated waterfront open spaces, and integrate them into the open space network created through the proposed Waterfront Access Plan (WAP).

As presented in Chapter 1, "Project Description," proposed zoning changes on waterfront blocks, combined with the proposed WAP, would lead to the creation of a waterfront promenade and additional waterfront access areas between Manhattan Avenue and North 3<sup>rd</sup> Street. New waterfront developments would be required to develop and maintain public access areas as stipulated in the WAP and waterfront zoning regulations. The WAP, which becomes part of the zoning text, would modify the general public access requirements of waterfront zoning within this area, identifying locations and parameters for the configuration of required shore public walkways, upland connections, supplemental public access areas, and visual corridors in order to create a coordinated framework for future development.

The projected development of a waterfront promenade in the future with the proposed action would provide a substantial amount of primarily passive open space that would create vibrant areas alongside new waterfront residential development that would allow both existing and new residents enjoyment of the water's edge, which is currently inaccessible to them. Although these waterfront public access areas would be primarily passive, the promenade also provides opportunities for active recreation, and active features such as tot lots or playgrounds may be provided within required waterfront access areas.

***8.2 Incorporate public access into new public and private development where compatible with proposed land use and coastal location.***

Under Scenario A, the proposed action includes the creation of an approximately 27.8-acre park along the waterfront from North 9<sup>th</sup> Street to the northern edge of the Bushwick Inlet. The area, tentatively referred to as "Inlet Park", would provide both active and passive recreation spaces to the community. The proposed waterfront park would dramatically improve public access to the waterfront, and would serve as an important recreational amenity to the area. Development Scenario B would result in a smaller park, extending only from North 9<sup>th</sup> Street to the southern edge of North 12<sup>th</sup> Street.

A new waterfront promenade is proposed as a part of the proposed waterfront zoning map changes and WAP that is associated with the proposed action. The waterfront promenade, or shore public walkway, would be created between Manhattan Avenue and North 3<sup>rd</sup> Street. New waterfront

developments would be required to develop and maintain public access areas as stipulated in the WAP and waterfront zoning regulations. The Greenpoint-Williamsburg WAP, which becomes part of the zoning text, is being proposed in order to establish a coordinated framework for public access to the Greenpoint-Williamsburg waterfront in advance of development. The Greenpoint-Williamsburg WAP takes advantage of this opportunity to enlarge existing waterfront park spaces and to mandate connections to the neighborhood at important locations.

Together with existing waterfront parks and proposed new parkland, such as the 27.8-acre park proposed as part of this action, the Greenpoint-Williamsburg WAP would provide a mechanism for coordinated, site-by-site development of an interconnected public open space network in Greenpoint-Williamsburg. As described in Chapter 2, “Land Use, Zoning, and Public Policy,” the elements of this open space network would include a continuous shore public walkway running from the end of Manhattan Avenue in Greenpoint to the end of North 3<sup>rd</sup> Street in Williamsburg. Subject to design standards, this path would generally trace the water’s edge, linking the open spaces along the East River. Pedestrian public access would also be required on all piers, in accordance with the requirements of waterfront zoning.

Moreover, the WAP would include upland connections. Public streets provide pedestrian access to the shore public walkway at certain locations. In locations where access is not available via public street, the WAP requires upland connections to provide publicly accessible walkways connecting to upland streets. For instance, an upland connection is mandated at Green Street, creating an important east-west connection between a commercial corridor and a pier. Absent the proposed zoning changes and WAP, this connection would not be required. Therefore, the proposed action is consistent with this policy. Although both Scenario A and Scenario B would be consistent with this policy, Scenario A, because it includes a larger park, goes further toward supporting this policy than does Scenario B.

### ***8.3 Provide visual access to coastal lands, waters and open space where physically practical.***

The Waterfront Access Plan (WAP) that is associated with the proposed action would also require the provision of visual corridors. Visual corridors, which require unobstructed views to the water, can be located within mapped streets or on private property. The WAP proposes visual corridors both in conjunction with upland connections, and at locations where upland connections cannot be mandated (e.g., at Oak Street), in order to extend views from the street grid to the water at every possible location. As such, the proposed action is consistent with this policy.

### ***8.4 Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.***

As discussed in Chapter 2, “Land Use, Zoning, and Public Policy,” there are already some existing publicly owned waterfront open spaces within the coastal zone, as well as additional spaces that are anticipated in the future without the proposed action. These include Newtown Barge Park, the former WNYC transmitter site at the end of Greenpoint Avenue, the planned State Park on the Williamsburg waterfront between North 7<sup>th</sup> and North 9<sup>th</sup> Streets, and the planned street-end park at Manhattan Avenue. The proposed action would preserve those existing and anticipated waterfront open spaces, which are incorporated in the WAP.

In addition, the proposed action includes the mapping of a new waterfront park extending from North 9<sup>th</sup> Street to the northern edge of Bushwick Inlet. The area, tentatively referred to as “Inlet



Park”, would provide both active and passive recreation spaces to the community, and would be a City-owned public waterfront park. The proposed waterfront park would dramatically improve public access to the waterfront, and would serve as an important recreational amenity to the area. It should be noted however, that Scenario A, because it includes the mapping of a larger park, goes further toward supporting this policy than does Scenario B (which includes a smaller park).

#### **8.5 *Preserve the public interest in and use of lands and waters held in public trust by the state and city***

The proposed action would provide direct access to the waterfront and facilitate the redevelopment of the area’s derelict East River waterfront, establishing a blueprint for a revitalized waterfront with a continuous public walkway and enlarged parks along approximately 2 miles of the East River, including the mapping of a new park along the waterfront between North 9<sup>th</sup> Street and the northern edge of Bushwick Inlet. Once the proposed park property is mapped and acquired, the City of New York would own the new waterfront park. Under the proposed action, City-owned waterfront property would remain in public ownership, thereby preserving the public interest in and use of those lands and waters.

In addition, the proposed action and the WAP included therein specifies public access requirements for waterfront development by private owners. The rezoning of waterfront blocks and creation of the WAP sets a blueprint for a continuous waterfront walkway linking parks and public access areas along the waterfront, and maximizes both physical and visual access between the waterfront and the neighborhood. The blueprint would be realized in part by the proposed zoning designations along the waterfront which would require that new development provide links in a continuous chain of public access areas.

As described earlier, the Greenpoint-Williamsburg WAP, which becomes part of the zoning text, is being proposed in order to establish a coordinated framework for public access to the Greenpoint-Williamsburg waterfront in advance of development. The elements of this open space network would include a continuous shore public walkway running from the end of Manhattan Avenue in Greenpoint to the end of North 3<sup>rd</sup> Street in Williamsburg. Subject to design standards, this path would generally trace the water’s edge, linking the open spaces along the East River. Pedestrian public access would also be required on all piers, in accordance with the requirements of waterfront zoning.

As such, the water’s edge along the East River would be developed for public use and would be made publicly accessible as a result of the proposed action. Therefore, this action is consistent with this policy.

### **POLICY 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.**

#### **9.1 *Protect and improve visual quality associated with New York City’s urban context and the historic and working waterfront.***

As discussed in Chapter 8, “Urban Design and Visual Resources,” the proposed action would protect and improve visual quality of the urban context and the waterfront in the Greenpoint-Williamsburg study area. As described above, the proposed WAP would require the maintenance

of physical, visual, and recreational access to the waterfront. The residential uses that would replace the existing industrial/manufacturing uses, deteriorating vacant structures, and vacant lots at the waterfront would create new public access to the waterfront. The proposed rezoning of waterfront blocks and creation of the WAP sets a blueprint for a continuous waterfront walkway linking parks and public access areas along the waterfront, and maximizes both physical and visual access between the waterfront and the neighborhood.

As noted above, the Waterfront Access Plan (WAP) that is associated with the proposed action would require the provision of visual corridors. Visual corridors, which require unobstructed views to the water, can be located within mapped streets or on private property. The WAP proposes visual corridors both in conjunction with upland connections (e.g., at Green Street), and at locations where upland connections cannot be mandated (e.g., at Oak Street), in order to extend views from the street grid to the water at every possible location. As such, the proposed action is consistent with this policy. The maintenance of existing visual corridors, and the creation of new ones, would preserve and enhance public views of the waterfront and Manhattan.

The proposed zoning designations along the waterfront are not contextual districts because of the numerous challenges associated with new waterfront development, including bulkhead repairs, open space improvements, and environmental remediation. Instead, the proposed action includes special bulk and use regulations applicable within the waterfront area between Manhattan Avenue and North 3<sup>rd</sup> Street which is governed by the Greenpoint-Williamsburg Waterfront Access Plan. These regulations include height limits and streetwall requirements to achieve contextual-style development on the portions of waterfront blocks that interface with the neighborhood. Under the proposed regulations, buildings must set back above a maximum base height of 65 feet in R6 districts and 70 feet in R8 districts. Buildings exceeding 110 feet in R6 districts, or 210 or 310 feet in R8 districts, would be required to set back at 110, 210, or 310 feet as applicable, such that the building floor plate above this height is no more than 85 percent of the building floor plate below this height. For sites with multiple towers in R8 districts, up to half those towers could rise to a maximum height of 350 feet subject to floor plate and setback regulations.

The proposed zoning regulations applicable to the waterfront area would therefore ensure that waterfront developments would relate to the scale of the adjoining neighborhood, while allowing additional flexibility for taller buildings at a greater distance from the existing low-rise upland neighborhood. In upland residential and mixed-use areas, proposed residential designations would limit the height and density of new buildings in keeping with the scale of the surrounding neighborhood. Also refer to Chapter 8, “Urban Design and Visual Resources,” for a discussion of the potential visual effects of waterfront developments anticipated as a result of the proposed action.

## **POLICY 10: Protect, preserve and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.**

### ***10.1 Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.***

None of the designated historic resources identified in Chapter 7, “Historic Resources,” are located within the coastal zone boundary, although some are adjacent to it. However, some of the potentially eligible resources identified in Chapter 7 fall within the coastal zone boundary.

Although a portion of the proposed action area falls within the Greenpoint Historic District, which is adjacent to the coastal zone boundary, no projected or potential development sites have been identified in that area. Should any development take place within the Greenpoint Historic District in the future pursuant to the proposed new zoning, it would require a Certificate of Appropriateness from LPC, which would ensure that it is consistent with the character of the designated historic district.

The proposed action and subsequent developments are also not expected to have any direct physical impacts on any existing designated architectural resources, as they would not result in any physical destruction, demolition, damage or alteration to any designated historic property. The developments resulting from the proposed action would not alter the setting or visual context of any designated historic resources in the area, nor would they eliminate or screen publicly accessible views of any resources. Moreover, no incompatible visual, audible or atmospheric elements would be introduced by the proposed action to any designated historic resource's setting.

As discussed in Chapter 7, the buildings comprising the Greenpoint Terminal Market site, which may be eligible for S/NR listing, would likely be demolished in part or entirely to facilitate residential and local commercial development on projected development Sites 56 and 60 and potential development Site 61. As these buildings are privately owned, such demolition can be carried out as long as no federal, state, or City governmental discretionary permits or funding are involved. Should future redevelopment on those sites involve federal, state, or City governmental discretionary permits or funding, measures to preserve the eligible structures may be required. The redevelopment of the Greenpoint Terminal Market site would constitute a significant adverse impact. No mitigation measures are feasible, however, because the site is privately-owned and the structures are not designated as landmarks, which prevents the City from mandating possible mitigation measures described above. Consequently, the impact would remain unmitigated.

Potential development Sites 222 and 291, which fall within the coastal zone boundary, are located adjacent to the former Northside Savings Bank building on Grand Street and the Austin-Nicols Warehouse at 184 Kent Avenue, respectively, both of which have been identified as potentially eligible for designation as a landmark. Should the former Northside Savings Bank building or the Austin-Nicols Warehouse become designated as historic resources by the analysis year of 2013, they would be subject to the City's procedures for avoidance of damage to historic structures from adjacent construction, as described in Chapter 7. However, if the eligible structures are not designated, they would not be subject to the above construction protection procedures, and may therefore be adversely impacted by adjacent development resulting from the proposed action. This would constitute a significant adverse impact. No mitigation measures are feasible, however, because the site is privately-owned and the structures are not designated as landmarks, which prevents the City from mandating or enforcing construction protection measures. Consequently, the impact would remain unmitigated.

As also discussed in Chapter 7, several other projected/potential development sites have been identified as eligible for LPC and/or S/NR designation, five of which are located within the coastal zone boundary (Sites 50, 53, 55, 247, and 323). However, all of those five sites are identified as conversion sites in the RWCDs, and as such no significant changes to those eligible resources are anticipated as a result of the proposed action, and no significant adverse impacts would be expected. None of the other potentially eligible resources identified in Chapter 7 fall within the coastal zone boundary.

The projected and potential developments to be constructed subsequent to the proposed action are not expected to have significant adverse indirect impacts on existing historic resources in the area. As noted above, on waterfront blocks, a combination of R6 and R8 districts and zoning text changes would require development to provide a transition from the scale of the adjoining upland neighborhood to areas closer to the shoreline, where taller buildings could be located. Although some new buildings on the waterfront could be as tall as 350 feet, they would be located at a considerable distance from any of the identified architectural resources, and would therefore be unlikely to alter the immediate visual context of those resources.

### ***10.2 Protect and preserve archaeological resources and artifacts.***

As described in Chapter 7, “Historic Resources,” 14 projected development sites and 50 potential development sites include lots which have been determined to be sensitive for nineteenth century archaeological resources, mostly cisterns and privies. Of those, approximately 5 projected and 16 potential development sites are located within the coastal zone boundary.

Potential archaeological resources which may exist within portions of the development sites where new construction could occur, absent prior disturbance, would likely be destroyed by action-induced development. This would constitute a significant adverse impact. No mitigation measures are feasible, however, because the area to be rezoned is privately-owned. Private ownership of the land would prevent the City from conducting or requiring an archaeological testing program to test for potential archaeological remains, or from mandating the preservation or documentation of such remains, should they exist. As such, this is considered an unavoidable adverse impact of the proposed action. Consequently, the impact would remain unmitigated.



For Internal Use Only:

Date Received: \_\_\_\_\_

WRP no. \_\_\_\_\_

DOS no. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

### A. APPLICANT

1. Name: New York City Department of City Planning
2. Address: 16 Court Street, Brooklyn, NY 11241
3. Telephone: 718-643-7550 Fax: 718-596-2609 E-mail: \_\_\_\_\_
4. Project site owner: varies

### B. PROPOSED ACTIVITY

1. Brief description of activity:

The New York City Department of City Planning (DCP), in association with the NYC Department of Parks and Recreation, is proposing zoning map and zoning text amendments, street demapping and parkland mapping, affecting the Greenpoint and Williamsburg areas of northern Brooklyn within Community District 1. The proposed actions require City Planning Commission (CPC) and City Council approvals through the Uniform Land Use Review Procedure (ULURP).

2. Purpose of activity:

The goals of DCP's proposal include facilitating new housing and mixed-use on vacant and underutilized land formerly used for manufacturing, establishing a blueprint for a revitalized waterfront with a continuous compatible public walkway and new and enlarged parks providing public access and new recreational opportunities along approximately two miles of the East River, and producing new harmonious development that is sensitive to the existing character of these neighborhoods.

3. Location of activity: (street address/borough or site description):

The area affected by the proposed action covers approximately 184 blocks in Greenpoint and Williamsburg, bounded generally by the East River, the Williamsburg Bridge, the Brooklyn-Queens Expressway, and McGuinness Boulevard.

## Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:  
N.A. Individual developers may seek other approvals in the course of site development subsequent to the proposed actions. These approvals, which are not analyzed as part of the proposed actions may include repairs to bulkhead and/or in-kind replacement of existing piers, which may require individual property owners to obtain permits from the New York State Department of Environmental Conservation.
5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).  
N.A.
6. Will the proposed project require the preparation of an environmental impact statement?  
Yes ☒ No ☐ If yes, identify Lead Agency:  
New York City Department of City Planning, acting as lead agency on behalf of the City Planning Commission.
7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.
- (a) Zoning map amendments to permit residential use on the waterfront, residential and mixed-use on most of the upland rezoning area, and to restrict certain areas currently zoned M3 to light industrial uses;
  - (b) Zoning text amendments in the form of a Waterfront Access Plan (WAP) for Greenpoint-Williamsburg;
  - (c) Zoning text amendments modifying use and bulk regulations applicable within the area governed by the WAP;
  - (d) Changes to the City Map to demap portions of North 9th, North 10th, North 11th, North 12th Streets and a portion of Quay Street west of Kent Avenue, and map the resultant parcel between North 9th Street and the northern edge of Bushwick Inlet as park.

## C. COASTAL ASSESSMENT

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed project require a waterfront site? <b>The WAP requires a waterfront site</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Policy Questions	Yes	No
<p>The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new <u>Waterfront Revitalization Program</u> offers detailed explanations of the policies, including criteria for consistency determinations.</p> <p>Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.</p>		
4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Policy Questions cont'd**
**Yes No**

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	✓	
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	✓	
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	✓	
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

**Policy Questions cont'd**
**Yes No**

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)

☒

30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)

☒

31. Would the proposed action have any effects on surface or ground water supplies? (5.4)

☒

32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)

☒

33. Would the action result in any construction activities that would lead to erosion? (6)

☒

34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)

☒

35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)

☒

36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)

☒

37. Would the proposed project affect a non-renewable source of sand ? (6.3)

☒

38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)

☒

39. Would the action affect any sites that have been used as landfills? (7.1)

☒

40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)

☒

41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)

☒

42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)

☒

43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)

☒

44. Would the action result in the provision of open space without provision for its maintenance? (8.1)

☒

45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)

☒

46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)

☒

47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)

☒

48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)

☒

49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)

☒

50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)

☒



**Policy Questions cont'd****Yes      No**

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

☒

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

☒**D. CERTIFICATION**

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Regina Myer, Director

Address: NYC Department of City Planning, Brooklyn Borough Office

16 Court Street, Brooklyn, NY 11241

Telephone 718-596-2609

Applicant/Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_